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PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND TWELFTH MEETING

Held at Headquarters, New York,
on Friday, 11 October 1991, at 5.20 p.m.

President:	Mr. GHAREKHAN	(India)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	China	Mr. LI Daoyu
	Côte d'Ivoire	Mrs. KABA
	Cuba	Mr. ZAMORA RODRIGUEZ
	Ecuador	Mr. AYALA LASSO
	France	Mr. MERIMEE
	Romania	Mr. FLOREAN
	Union of Soviet Socialist Republics	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PICKERING
	Yemen	Mr. AL-ASHTAL
	Zaire	Mr. BAGBENI ADEITO NZENGEYA
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 5.30 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION BETWEEN IRAQ AND KUWAIT

REPORT OF THE SECRETARY-GENERAL (S/22871/Rev.1)

NOTE BY THE SECRETARY-GENERAL (S/22872/Rev.1 and Corr.1)

The PRESIDENT: I should like to inform the Council that I have received a letter from the representative of Iraq in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Anbari (Iraq) took a place at the Council table.

The PRESIDENT: The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them the report of the Secretary-General contained in document S/22871/Rev.1 and the note by the Secretary-General contained in documents S/22872/Rev.1 and Corr.1.

Members of the Council also have before them document S/23134, which contains the text of a draft resolution submitted by Belgium, France, Romania, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I call on the representative of Iraq.

Mr. AL-ANBARI (Iraq) (interpretation from Arabic): First, Sir, allow me to congratulate you on your assumption of the presidency of the Security Council for this month. I have complete confidence, in view of your vast experience, that you will be able to guide the Council's deliberations with great ability and objectivity.

I also take this opportunity to express my deep appreciation to the Ambassador of France, Mr. Mérimée, for his intensive efforts and the outstanding ability which he demonstrated in his stewardship of the Council during the past month.

The draft resolution seems at first sight to be a detailed procedural draft regarding the implementation of paragraph 10 of resolution 687 (1991) of 3 April 1991 in addition to paragraph 13 of that resolution. However, this is not the case. The draft resolution goes far beyond the horizons and objectives of that resolution and, contrary to the provisions of the Charter, aims to put Iraq under the permanent trusteeship of the Special Commission on armaments and to maintain the trade sanctions system indefinitely, contrary to the provisions of that resolution.

The draft resolution also seeks to establish permanent international mechanisms to tighten control on Iraq's future and prevent Iraq from carrying out economic and scientific development, at great cost to Iraq.

The draft resolution introduces very serious principles. However, the greatest danger is in the plan prepared by the Special Commission on armaments, contained in document S/22871/Rev.1 of 2 October 1991. The plan omits no detail affecting civil or military life. All those aspects, together with all Iraqi scientific institutions and educational institutes are placed under tight control and severe restrictions, in an absolutist and arbitrary fashion.

(Mr. Al-Anbari, Iraq)

The plan has been drawn up in great detail with a great deal of complexity. Those details are scattered all over the text, but are intertwined with the threads of all the plan's provisions and those of the so-called four annexes that form an integral part of the plan. Therefore, it is no wonder that many of those concerned with the plan did not fully examine its details and accepted it in good faith as a technical plan to implement paragraph 10 of resolution 687 (1991), adopted six months ago, which has become a fait accompli. They think, therefore, that the plan does not warrant further examination and could not be more serious than resolution 687 (1991) itself.

I should like to cite first paragraph 13 of the plan, which reads:

"In accepting unconditionally Security Council resolution 687 (1991) Iraq has undertaken"

to accept all the items mentioned in that paragraph. It is my duty, in deference to the behests of truth and history, to express the deep regret and disappointment of both the Government and people of Iraq that Iraq accepted resolution 687 (1991) without a guarantee in advance that the Council would lift the economic blockade against Iraq and refrain from adopting one resolution after another against Iraq and its people. Resolution 687 (1991) has become like a mythical tree which goes on sprouting branches that have no relationship with the resolution itself, and indeed are contrary to its provisions.

Iraq accepted resolution 687 (1991) and previous resolutions and implemented their provisions in good faith. Iraq did this, unfortunately, in the erroneous belief that the Council, in return, would look at the economic sanctions and other arbitrary measures adopted by the Council against the

(Mr. Al-Anbari, Iraq)

people and Government of Iraq. It is regrettable that Iraq has played its part but the Council has failed not only to fulfil its mandate but has tightened its sanctions against Iraq. In simple language, the Security Council has not adhered to its own resolutions as it has transformed the cease-fire resolution 687 (1991) into a document that makes the Iraqi Government and people hostage of one or two States with veto power in the Council.

I must also warn that if this plan is implemented against Iraq, many of the countries of the developing or the developed worlds which support its implementation either knowingly or out of ignorance, may well find that they will be next in line as potential victims of this plan which embodies, in practical terms, a new type of occupation that, through a system of remote control, dominates every aspect of life in the target country.

Paragraph 10 of resolution 687 (1991)

"Decides that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of this resolution".

(Mr. Al-Anbari, Iraq)

The implementation of the first part of the aforementioned paragraph concerns Iraq. It was implemented, as Iraq, in a communication dated 18 April 1991 addressed to the Secretary-General from the Minister for Foreign Affairs, has undertaken, unconditionally, not to use, develop, construct, build or acquire any material specified in paragraphs 7 to 12 of resolution 687 (1991). The latter part of paragraph 10 calls for the formulation of a plan to monitor compliance by Iraq of its obligations under that paragraph and for ongoing verification in future.

The plan contained in the draft resolution, and its implementation, far exceeds that purview and gives the Special Commission and all those authorized by it, unrestricted, permanent and absolute police, political and executive powers. The plan is made up of 45 paragraphs and four annexes that form an integral part of the Plan. Strangely enough, while paragraph 26 stipulates that the Plan may be revised only by the Security Council, it gives the Special Commission the power of revising the annexes of the Plan and informing the Council, without prior Council approval. As the four annexes of the Plan contain detailed provisions that further elaborate the Plan, the Council, by approving the Plan, including paragraph 26, would be giving the Special Commission the authority to amend the Plan itself, which goes beyond the resolution itself.

My question is, does the Council have such authority under the Charter? The first deviation from resolution 687 (1991), especially operative paragraph 10, is what is stated in paragraph 3 of the Plan, which interpreted the future ongoing verification of weapons of mass destruction as inclusive not only of military installations, but also of civil installations and other materials that could be used or the activities that could be undertaken contrary to the obligations of Iraq under resolution 687 (1991).

(Mr. Al-Anbari, Iraq)

Members may notice that that paragraph in expanding the scope of verification and monitoring to include civilian installations in addition to military installations also refers to everything that might be used contrary to the obligations of Iraq. The expansion of that Plan in such a fashion to include the military and the civilian both actual and potential leaves the door wide open in order to abuse the powers granted to the Special Commission and to all those delegated by the Special Commission.

The Plan calls for establishing an executive body under the authority of the Security Council, as provided for in paragraph 5, and in paragraph 7, establishes a compliance unit under the Special Commission to ensure that Iraq will not import any prohibited material. This is in addition to the roles of the IAEA and the Special Commission itself and the Sanctions Committee established under resolution 661 (1991). This in fact creates a new international organ with numerous offshoots in a manner unprecedented in history. The Plan, in seeking to tighten further the controls against Iraq, is not satisfied with one procedural control mechanism. For instance, paragraph 10 (b) provides that countries that supply Iraq with multipurpose materials - both military and civilian - will provide transparent information under a mechanism to be set up for this purpose. Yet, paragraph 9 of the Plan states that the monitoring and verification are required from within Iraq by the Special Commission and its personnel, who might stay in Iraq for a long time or even permanently. Therefore, in all humility, may I suggest that we confer upon the Head of the Special Commission the title of the political ruler or the High Commissioner as in the old days of colonial rule.

I have pointed out previously that giving any special commission or any body absolute powers in interpreting and implementing the provisions of the

(Mr. Al-Anbari, Iraq)

Plan, and even amending the Plan, would create the risk of abuse of power, whether intentionally or inadvertently. What might strengthen that possibility is the fact that the Plan puts more obligations on Iraq, and gives undefined and open-ended powers to the monitoring mechanism. For instance, under paragraph 16 (a), the Plan imposes on Iraq the obligation to provide the Commission on a regular basis, with full, complete, correct and timely information on activities, sites, facilities, material and other items that might be used for prohibited purposes. What are those other items, and how could we determine the purpose of using one material today or in future for a prohibited purpose? That same paragraph stipulates elsewhere, that Iraq should provide the Special Commission with similar information that I have just mentioned concerning any additional activities, sites, facilities, materials or other items that the Commission may designate. Paragraph 16 also stipulates that Iraq should fully, completely and promptly respond to any question or request that is made by the Special Commission. Is there any international organization or body that has such absolute power? Is it practicable for any country or any party to answer any question or request irrespective of whether or not it is arbitrary or irrelevant or unanswerable? The Plan makes all these obligations, some of which I have referred to, incumbent upon Iraq and gives the Special Commission and all those delegated by the Commission the right to enter Iraq and leave it without Iraq's approval, to use any sites and airports and to send any persons, irrespective of their nationality or identity or intentions, to enter Iraq and to engage in any activities with full diplomatic immunity and absolute freedom to move inside Iraq and to secure their safety and security, as provided for under paragraph 18 of the Plan.

(Mr. Al-Anbari, Iraq)

Moreover, in paragraph 20, Iraq shall enact legislation and adopt all necessary measures to implement its obligations under resolution 687 (1991) and resolution 707 (1991) and other related resolutions before the passage of 30 days from the date of adoption of the Plan by the Security Council. This paragraph of the Plan, while it ignores all the legislative and executive measures adopted by Iraq to implement the Security Council's resolutions, comes up with general provisions that Iraq would be required to enforce within 30 days. It seems that the figure 30 has a very special significance in the Plan, given the fact that all the information and special statistics Iraq should provide the Commission with on chemical and biological materials as well as missiles should be submitted within 30 days.

The fact that the Plan far exceeds the Security Council resolutions and the provisions of the Charter becomes more evident in the four annexes to the Plan. For instance, annex I provides that the Special Commission has the right to secure any site and to inspect Iraq's exports and imports and any materials upon their arrival in Iraq or when they leave Iraq. Is the inspection of any material exported or imported by Iraq necessary to ensure compliance by Iraq of its obligations regarding weapons of mass destruction?

Moreover, the Special Commission gives itself, under the Plan, police powers. Under paragraph 9 of that annex, the Special Commission would make its own arrangements to ensure the safety and security of its personnel and property and to seize any material or other item.

(Mr. Al-Anbari, Iraq)

Please note the general terms "any material or other item". We have the right to ask how the Special Commission could make such arrangements? Would the Special Commission come to Iraq on tanks? Does it have military forces to protect it or enable it to secure any site?

The same annex, in paragraph 10, imposes on Iraq the obligation to ensure the safety and security of the personnel and property of the Special Commission, and so on. The proposed Plan is unique in its deliberate complexity and scattering of intertwined provisions in a manner that would make it extremely difficult to implement, while it makes it easy to claim that its provisions are being contravened.

For example, paragraph 6 of annex II calls for the provision of information on sites or facilities, including the name of the site or facility and of the owner, company or enterprise operating the site or facility; the location of the site or facility; a general description of all types of activities at the site or facility; and the sources and amounts of the financing of the site or facility, and of its activities. Paragraph 8 calls for the provision of information in addition to that specified in paragraph 6. Paragraph 9 also calls for more information in addition to that specified in paragraph 6.

The four annexes of the Plan, in addition to the contents of the Plan itself, aim explicitly at denying Iraq the capacity to conduct scientific, biological and chemical research. Indeed, the Plan is so excessive that, in paragraph 38 (c), it prohibits Iraq's conducting activities on diseases other than those indigenous to or immediately expected to break out in Iraq. In paragraph 38 (d), Iraq is prohibited from conducting any breeding of vectors of human, animal or plant diseases. Should Iraq need to conduct any such

(Mr. Al-Anbari, Iraq)

activity, it has to submit a request to the Special Commission specifying all the information the Commission requires. The Commission will then accept or reject the request.

In other words, if Iraq is to abide by its commitment not to produce biological weapons, then it must desist from conducting medical research on diseases that are not expected to break out immediately in its environment. Iraq is also prevented from conducting research on the immunization and innoculation of children and others against infectious diseases. Is not the result of these restrictions the vulnerability of Iraq's people to disease and gradual extermination?

I may have spoken at length of the Plan, its annexes and details. But I do hope that I have been able to show that the Plan gives the Commission and its personnel absolute powers and imposes on Iraq obligations that give the Special Commission absolute authority over the State and people of Iraq. It also imposes conditions that would make Iraq powerless to fulfil all the obligations imposed on it by the Plan. Furthermore, the Plan is arbitrary in its interpretation of the tasks outlined in resolution 687 (1991). While the provisions of that resolution focus on the weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres, the Plan goes further and includes dual and multipurpose materials, scientific activities and medical activities. The Plan also introduces a mechanism that would monitor all Iraq's imports and subject all Iraq's requirements of multipurpose materials to the prior consent by the Commission established under resolution 661 (1990). Every member of that Commission has the right of veto regardless of the legitimacy of the requirements. Thus, this Plan would make the economic sanctions against Iraq - which are provisional pending the

(Mr. Al-Anbari, Iraq)

implementation of paragraph 22 of resolution 687 (1991) - permanent measures and would make the sanctions committee a permanent organ of the Security Council.

The main thrust of the Plan is not to destroy Iraq's weapons of mass destruction but to deprive Iraq of its industrial and scientific infrastructure and to project an image of Iraq as a State that does not cooperate with the United Nations or tries to exceed its international obligations in order to tighten further the economic, scientific and political siege imposed on Iraq's Government and its people.

If the Plan's aims are illegal and prohibited under the Geneva Conventions and the instruments of Human Rights and the United Nations Charter, then they and the draft resolution under consideration lack international legality and are not consonant with international law or the United Nations Charter.

The PRESIDENT: I thank the representative of Iraq for his kind words addressed to me.

Mr. PICKERING (United States of America): I hope to be brief, but I feel I must comment on what we have just heard from the representative of Iraq. In contrast to what he has just said, I would like to extend the compliments of my delegation and my Government to the Special Commission and to the Director-General of the International Atomic Energy Agency (IAEA), who prepared excellent monitoring plans for dealing with a very serious and difficult situation.

We have seen Iraq's performance over the past months. It has continued to hide parts of its nuclear-weapons programme, its chemical-warfare programme, its biological programme and its missile programme. It has

(Mr. Pickering, United States)

continued to try to block the cooperation that it is committed to give to the Special Commission and to IAEA. We have only to take note of the parking-lot incident and the difficulties which were put in the way of the Special Commission in actually operating the helicopters mandated by the Council.

There is, as we all know now, indisputable evidence that Iraq was seeking to build nuclear weapons and that it misused and abused its peaceful-nuclear facilities. Twice, the Governing Board of IAEA has found that Iraq was in violation of its safeguards agreements under the non-proliferation Treaty. One more such finding, we believe, is now pending on the basis of recent evidence. Several times, including as recently as in resolution 707 (1991), the Council has found Iraq in violation of its obligations under Security Council resolutions. This should all speak clearly for itself as to why this monitoring and verification Plan is required and why it has been so carefully prepared.

The bad news, unfortunately, is that, as we all know, in each of the resolutions relevant to the Iraq and Kuwait situation - between resolutions 661 (1990) and 712 (1991) - we have heard pretty much the same speech from the representative of Iraq. Perhaps the good news is that, at each turn, reluctantly, grudgingly and half-heartedly, Iraq has nevertheless complied with the general tenor of those resolutions as they have been applied by the Council. We hope and expect that Iraq will of course abide by the resolution which we hope the Council will move rapidly now to adopt.

Sir David HANNAY (United Kingdom of Great Britain and Northern Ireland): I, too, feel that, after the statement made by the representative of Iraq, some points need to be made. I was struck, I must say, by the representative of Iraq's analogy, in which he describes resolution 687 (1991) as a tree. Having worked in gardens quite a long time myself, I have noticed that the branches of trees usually belong to the trees. This draft resolution belongs to this tree, which is resolution 687 (1991). It derives directly from it.

(Sir David Hannay, United Kingdom)

The draft resolution is stringent because of the long chapter of evasions, concealment and trickery that Iraq has employed to avoid revealing what it was required to reveal under resolution 687 (1991) and because of a long history of evasion that has demonstrated beyond any doubt Iraq's determination to preserve and continue the programmes for producing weapons of mass destruction which this Council has interdicted.

The representative of Iraq expressed surprise that there are parts of this continuing compliance programme that relate to dual-use items, civilian items. But he should hardly be surprised. After all, Iraq's nuclear-weapons programme was called by the Government of Iraq "Petrochemicals Project Number 3", and Iraq imported parts for a super-gun - which has now, fortunately, been destroyed - that were described as "pipes for petrochemical plant". So if there is a problem over dual use, there is nobody to blame but themselves.

The representative of Iraq expressed surprise that there should be references to the need to provide for the safety of the Special Commission. That is 10 days after armed Iraqi police detained the Special Commission inspectors for four days, against all of Iraq's international obligations and its agreement with the United Nations. It is surely hardly surprising that we have to guard against that.

Now, the representative of Iraq suggested that this draft resolution is designed to prevent Iraq from conducting research in the fields of health. Frankly, that is not true. Paragraph 38 (d) of the report makes it quite clear that projects for breeding vectors of human, animal or plant diseases will be permitted.

(Sir David Hannay, United Kingdom)

Therefore, I think it is a pity that this caricature should have been given to the Council when it is entirely contrary to the truth.

To conclude, the object of the draft resolution, I would say, is quite simply this: it is to prevent Iraq from breaking in the future the international obligations on weapons of mass destruction it so liberally broke in the past. One way or another, that objective will be achieved.

The PRESIDENT: It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/23134) before it. Unless I hear any objection, I shall put the draft resolution to the vote now. There being no objection, it is so decided.

A vote was taken by show of hands.

In favour: Austria, Belgium, China, Côte d'Ivoire, Cuba, Ecuador, France, India, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Zaire, Zimbabwe

The PRESIDENT: There were 15 votes in favour. The draft resolution has therefore been adopted unanimously as resolution 715 (1991).

I shall now call upon those members of the Council who wish to make statements following the voting.

Mr. MERIMEE (France) (interpretation from French): In the view of my delegation the resolution we have just adopted is of great importance. We have approved the plan for future ongoing monitoring and verification, which is the only way to ensure that Iraq will no longer be able to pursue its plans, especially those to acquire nuclear armaments. The missions of the Special Commission and the International Atomic Energy Agency have furnished ample proof of those plans, and the international community is in duty bound to put an end to them.

(Mr. Mérimée, France)

This matter concerns the heart of the Security Council's responsibilities. My delegation welcomes the unanimity that has prevailed among Council members in this regard. We hope that, faced with this determination on the part of the international community, Iraq will understand that it is in its interests to comply without reservations with the obligations incumbent upon it under the plan and the resolution and cooperate with the Council and with the various bodies under its authority and responsibility.

The PRESIDENT: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 6.05 p.m.